

MANDATE

S.D.N.Y.-N.Y.C.
09-cr-213
Chin, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 15th day of October, two thousand fourteen.

Present:

Chester J. Straub,
Richard C. Wesley,*
Circuit Judges.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:** _____
DATE FILED: November 19, 2014

United States of America,

Appellee,

v.

14-3118

Bernard L. Madoff,

Defendant,

* The Honorable Amalya L. Kearse, a member of the original panel, subsequently recused herself from consideration of this case. The remaining two members of the panel, who are in agreement, decide this appeal in accordance with Internal Operating Procedure E(b) of the Rules of the United States Court of Appeals for the Second Circuit. See 28 U.S.C. § 46(d); cf. *United States v. Desimone*, 140 F.3d 457, 458 (2d Cir. 1998).

MANDATE ISSUED ON 11/19/2014

Frederick Banks,

Non-Party-Appellant.

The Government moves to dismiss the appeal. Upon due consideration, it is hereby ORDERED that the motion is GRANTED and the appeal is DISMISSED. Appellant, a pro se litigant, may not represent the Defendant and, accordingly, the Appellant's notice of appeal was "not adequate to initiate" an appeal of the district court's order. *See Jacobs v. Patent Enforcement Fund, Inc.*, 230 F.3d 565, 568 (2d Cir. 2000).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk


A circular official seal of the United States Court of Appeals, Second Circuit, is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


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